

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD S. MILLER,

Plaintiff,

v.

EL DORADO COUNTY JAIL,

Defendant.

No. 2:23-cv-00666-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION DUE TO PLAINTIFF'S FAILURE  
TO PROSECUTE

(Doc. No. 26)

Plaintiff Ronald S. Miller is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On September 18, 2023, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 26.) In particular, on August 7, 2023, the court screened plaintiff's complaint, explained the deficiencies therein, and granted plaintiff thirty days in which to file an amended complaint to cure the deficiencies. (Doc. No. 24.) To date, plaintiff has not filed an amended complaint or otherwise communicated with the court. Accordingly, the pending findings and recommendations were served on plaintiff by mail at his address of record and contained notice that any objections thereto were to be filed within fourteen (14) days after

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1 service.<sup>1</sup> (Doc. No. 26 at 2.) Plaintiff has not filed any objections to the pending findings and  
2 recommendations and the time to do so has long since passed.

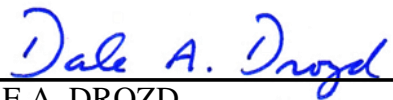
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on September 18, 2023 (Doc. No. 26)  
8 are adopted in full;
- 9 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute  
10 this action; and
- 11 3. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: January 10, 2024

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DALE A. DROZD  
15 UNITED STATES DISTRICT JUDGE  
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25 <sup>1</sup> The service copy of the findings and recommendations was returned to the court marked as  
26 "undeliverable" on October 2, 2023. A party appearing without counsel must keep the court and  
27 all parties apprised of his current address. E.D. Cal. L.R. 183(b). If mail directed to such a  
28 plaintiff is returned by the postal service, and plaintiff fails to notify the court and opposing  
parties within 63 days thereafter of his current address, the court may dismiss the action without  
prejudice for failure to prosecute. *Id.* Plaintiff has yet to advise the court of his current address as  
required by Local Rule 183(b), and the time for doing so has passed.